

Notice of Allowability

Application No.

10/797,479

Examiner

Andrew M. Bunin

Applicant(s)

TATEO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/05.
2. ☒ The allowed claim(s) is/are 1-15, 19-25 and 27-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Henry Bennett
Supervisory Patent Examiner
Group 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Fletcher on Thursday, 3/16/06.

The application has been amended as follows: Claims 16-18 and 26 have been cancelled.

The following is an examiner's statement of reasons for allowance:

The prior art hasn't taught the combination of an **airway tube** having proximal end and a distal end, **dome** having an inlet and an outlet with the inlet of the dome connected with the distal end of the airway tube, an **inflatable cuff** connected about a periphery of the outlet of the dome, **cuff inflation line** configured to be in fluid communication with an internal space of the cuff, and especially a **protruding dome tip** at a distal end of the outlet of the dome with the cuff inflation line extending through the protruding dome tip.

The prior art hasn't taught the combination of an **airway tube** having proximal end and a distal end, **dome** having an inlet and an outlet with the inlet of the dome connected with the distal end of the airway tube, an **inflatable cuff** connected about a

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periphery of the outlet of the dome, **cuff inflation line** configured to be in fluid communication with an internal space of the cuff and having an outlet end of the cuff.

The prior art hasn't taught the combination of an **airway tube** having proximal end and a distal end, **dome** having an inlet and an outlet with the inlet of the dome connected with the distal end of the airway tube, an **inflatable cuff** connected about a periphery of the outlet of the dome, **cuff inflation line** configured to be in fluid communication with an internal space of the cuff, and especially no more than one **flexible epiglottis barrier** attached to the outlet of the dome, the flexible epiglottis barrier extending only partially into the aperture.

The prior art hasn't taught the combination of an **airway tube** having proximal end and a distal end, **dome** having an inlet and an outlet with the inlet of the dome connected with the distal end of the airway tube, an **inflatable cuff** connected about a periphery of the outlet of the dome, **cuff inflation line** in fluid communication with the distal end of the cuff such that upon inflation, the cuff inflates from its distal end.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 5513627, US 6698428, US 6240922, and US 5791341

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Bunin whose telephone number is (571)272-4801. The examiner can normally be reached on Monday - Friday, 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571)272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMB
3/16/06


Henry Bennett
Supervisory Patent Examiner
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